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AN ACT

To open and establish a Public Street  
in the City and County of San Fran-  
cisco, to be called "Potrero Avenue,"  
and to take private lands therefor.

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## AN ACT

*To open and establish a public street in the City and County of San Francisco, to be called "Potrero Avenue," and to take private lands therefor.*

THE PEOPLE OF THE STATE OF CALIFORNIA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

### SECTION I.

SECTION 1. The following described pieces of land, situate in the City and County of San Francisco, that is to say: *Beginning* on the southeasterly line of Market Street at a point which would be intersected by a direct line drawn between the angle formed by the intersection of the west line of Mason Street with the north line of Turk Street and the angle formed by the intersection of the west line of Potrero Avenue with the south line of Channel Street.

*Thence* in a direct line to the point where the westerly line of Potrero Avenue intersects the southerly line of Channel Street.

*Thence* in an easterly direction across to the southeasterly corner of Potrero Avenue and Channel Street.

*Thence* northerly and parallel to the first line, in a direct line to the southeasterly line of Market Street—and

*Thence* southwesterly along the said southeasterly line of Market Street to the place of beginning.

Also, commencing at a point on the western line of said Potrero Avenue where the same intersects the northerly line of Precita Creek.

*Thence* in a direct line, following the course and direction of the westerly line of Potrero Avenue, as the same now exists between Mission Creek and Precita Creek, in a southerly direction, to a point where said line projected southerly would intersect the easterly line of San Bruno Turnpike near the intersection of Henry Street, of the University Mound Survey, with said Turnpike.

*Thence* southerly along the easterly line of said San Bruno Turnpike to a point from which a line projected northerly and parallel to the first line would be 100 feet distant easterly therefrom.

*Thence* northerly and parallel to the first line, and 100 feet easterly therefrom, to the northerly line of Precita Creek at a point 100 feet easterly from the point of commencement.

*Thence* in a direct line westerly 100 feet to the place of beginning—

Are hereby taken and dedicated for an open and public street; and when paid for, as hereinafter provided, the title thereto shall vest in said City and County of San Francisco for such purpose forever, as the title of other public streets in said City and County now is vested; and said street shall hereafter be known and designated as Potrero Avenue.

## SECTION II.

SECTION 2. The grade of Potrero Avenue shall be as follows, to wit:

From its intersection with Market Street to the southerly line of Channel Street it shall conform to the grades of the several streets intersected by it as the same are now established at such places of intersection. And on the line of said Potrero Avenue, between the several streets intersected by it, between Market and Channel

Streets, its grade shall be uniform and regular from its point of intersection with each of the several streets to its point of intersection with the next.

And from Channel Street south to the southerly boundary of the City and County of San Francisco, its grade shall be as hereafter established by ordinance of said City and County, *provided*, that at said several intersections such changes may be made by the Board of Public Works, as hereinafter provided, as shall facilitate the flow of water over the gutters along the sides of said Avenue and intersecting streets.

### SECTION III.

SECTION 3. The value of the land taken for said Potrero Avenue, and the damages to improvements thereon or adjacent thereto injured thereby, and all other expenses whatsoever incidental to the taking and opening of said Avenue, shall be held and considered to be the cost of opening said Potrero Avenue, and shall be assessed on the lands mentioned and described in the following section of this Act, in proportion to the benefits accruing therefrom to said several lots, subdivisions, and pieces of land respectively, which said lands are hereby declared to be benefited by the opening of said Avenue.

### SECTION IV.

SECTION 4. The lands referred to in the preceding section as those upon which the cost of opening said Potrero Avenue, as said cost is defined in this Act, shall be assessed, are all the lots, pieces, and subdivisions of land included within the following described tracts, blocks, and parcels of land, that is to say :

*First.*—All the lots of land lying on the the northwesterly side of Market Street, between Mason and Kearny Streets, to a depth of 100 feet from, and at right angles with, the said line of Market Street.

*Second.*—All the following described tract of land, to wit :

*Commencing* at the southwesterly corner of Market and Third Streets.

*Thence* southwesterly along the southeasterly line of Market Street to the northeasterly corner of Market and Sixth Streets.

*Thence* southeasterly along the northeasterly line of Sixth Street to the northwesterly line of Stevenson Street.

*Thence* southwesterly along the northwesterly line of Stevenson Street, to a point thereon 100 feet distant southwesterly from Sixth Street.

*Thence* southeasterly and parallel to Sixth Street, to a point 160 feet distant southeasterly from the southeasterly line of Stevenson Street.

*Thence* southwesterly and parallel to Stevenson Street to the northeasterly line of Seventh Street.

*Thence* southeasterly along the northeasterly line of Seventh Street, to a point distant 80 feet northwesterly from the northwesterly line of Mission Street.

*Thence* southwesterly and parallel to Mission Street, to a point 100 feet distant southwesterly from the southwesterly line of Seventh Street.

*Thence* southeasterly and parallel to Seventh Street to a point midway between Mission and Howard Streets.

*Thence* southwesterly and parallel to Mission Street to a point 275 feet distant northeasterly from the northeasterly line of Eighth Street.

*Thence* southeasterly and parallel to Eighth Street, to a point 80 feet distant northwesterly from the northwesterly line of Howard Street.

*Thence* southwesterly and parallel to Howard Street to a point 100 feet distant southwesterly from the southwesterly line of Eighth Street.

*Thence* southeasterly and parallel to Eighth Street to a point midway between Howard and Folsom Streets.

*Thence* southwesterly and parallel to Howard Street to a point 100 feet northeasterly from the northeasterly line of Ninth Street.

*Thence* southeasterly and parallel to Ninth Street to a point distant 80 feet northwesterly from the northwesterly line of Folsom Street.

*Thence* southwesterly and parallel to Folsom Street to a point midway between Ninth and Tenth Streets.

*Thence* southeasterly and parallel to Tenth Street to a point midway between Folsom and Harrison Streets.

*Thence* southwesterly and parallel to Harrison Street to a point 100 feet distant southwesterly from the southwesterly line of Tenth Street.

*Thence* southeasterly and parallel to Tenth Street to a point 100 feet distant northwesterly from the northwesterly line of Bryant Street.

*Thence* southwesterly and parallel to Bryant Street to a point which would be intersected by a line projected northerly running through the centre of Block 23 of the Potrero Survey and which said line would be midway between York and Florida Streets on said Potrero.

*Thence* southerly and parallel to the two last named streets and equidistant therefrom, to the southerly line of Twenty-first Street.

*Thence* easterly along the southerly line of Twenty-first Street to a point midway between Bryant and Columbia Streets.

*Thence* southerly and parallel to the two last named streets, to a point 100 feet southerly from the southerly line of Twenty-sixth Street.

*Thence* westerly and parallel to Twenty-sixth Street to a point midway between Folsom and Shotwell Streets.

*Thence* southerly and parallel to Folsom Street to the southerly line of California Street, as laid down on the survey of Bernal Hights.

*Thence* westerly along the southerly line of said California Street to the easterly line of Siegel Street, as laid down in said last named survey.

*Thence* southerly along the easterly line of Siegel Street to the southerly line of Courtland Avenue.

*Thence* easterly to the easterly line of Gates Street.

*Thence* southerly along the easterly line of Gates Street to the southerly line of the survey of said Bernal Hights.

*Thence* westerly along said last named southerly line of said survey to the westerly line of the College Homestead tract.

*Thence* southerly along the westerly line of said College Homestead tract to the northerly line of Silver Avenue.

*Thence* westerly along the northerly line of Silver Avenue to a point which would be intersected by a line projected northwesterly through the center of block 143 of the University Homestead Extension Survey, and which said line would be midway between Harvard and Gambier Streets.

*Thence* southeasterly and parallel to and equidistant from said Harvard and Gambier Streets, to a point midway between Dwight and Olmstead Streets.

*Thence* southwesterly and parallel to and equidistant from Dwight and Olmstead Streets, to a point which would be intersected by a line projected northeasterly running parallel to and 100 feet westerly from Carter Street, as laid down on the Visitacion Valley Homestead Survey.

*Thence* southwesterly along said last mentioned line to the southern boundary of the City and County of San Francisco.

*Thence* east along said city and county line to its intersection with the Bay of San Francisco.

*Thence* north-easterly along the shore of the Bay to its intersection with a line running parallel to and midway between Fortieth and Forty-first Avenues, as laid down on the map of the Tide Land Commissioners of the State of California.

*Thence* northwesterly along said last named line, and parallel to and equidistant from Fortieth and Forty-first Avenues, to its intersection with the easterly line of the San Bruno Turnpike.

*Thence* northerly in a direct line to a point on the north line of Tulare Street, at the southerly boundary of the Potrero Nuevo, midway between Connecticut and Arkansas Streets.

*Thence* northerly and parallel to and equidistant from Connecticut and Arkansas Streets to a point 100 feet northerly from the northerly side of Sierra Street.

*Thence* westerly and parallel to Sierra Street, to a point midway between De Haro and Rhode Island Streets.

*Thence* northerly and parallel to and equidistant from De Haro and Rhode Island Streets to a point midway between Center and El Dorado Streets.

*Thence* westerly and parallel to and equidistant from Center and El Dorado Streets to a point midway between Rhode Island and Kansas Streets.

*Thence* northerly and parallel to and equidistant from Rhode Island and Kansas Streets to a point which would be intersected by a line projected southwesterly midway between and parallel to King and Townsend Streets.

*Thence* northeasterly along said last named line and parallel to and equidistant from King and Townsend Streets to a point midway between Seventh and Eighth Streets.

*Thence* northwesterly and parallel to and equidistant from Seventh and Eighth Streets, to a point 160 feet southeasterly from the southeasterly line of Brannan Street.



*Thence* northeasterly and parallel to Brannan Street to a point 100 feet northeasterly from the northeasterly line of Seventh Street.

*Thence* northwesterly and parallel to Seventh Street to a point 80 feet southeasterly from the southeasterly line of Harrison Street.

*Thence* northeasterly and parallel to Harrison Street 450 feet.

*Thence* northwesterly and parallel to Sixth Street, to a point 80 feet southeasterly from the southeasterly line of Folsom Street.

*Thence* northeasterly and parallel to Folsom Street to a point 100 feet northeasterly from the northeasterly line of Sixth Street.

*Thence* northwesterly and parallel to Sixth Street to a point 80 feet southeasterly from the southeasterly line of Mission Street.

*Thence* northeasterly and parallel to Mission Street, 175 feet.

*Thence* northwesterly and parallel to Sixth Street to a point 80 feet northwesterly from the northwesterly line of Mission Street.

*Thence* northeasterly and parallel to Mission Street to a point midway between Fifth and Sixth Streets.

*Thence* northwesterly and parallel to and equidistant from Fifth and Sixth Streets, to the northwesterly line of Stevenson Street.

*Thence* northeasterly along the northwesterly line of Stevenson Street to the southwesterly line of Third Street.

*Thence* northwesterly along the southwesterly line of Third Street to Market Street, the place of beginning.

*Provided*, nevertheless, that all public streets, public squares, belonging to the Government of the United States or to the State of California, which may be included in any of the above described lands or the land within the limits of said Avenue, shall not be assessed for the cost of opening said Avenue; and *provided* further, that if at any time before the report of said Board, provided for in Section — of this Act, is made to said County Court, the Government of the United States, or the State of California, or the said City and County of San Francisco, shall relinquish or convey, or in any manner transfer its or their title to any portion of said lands to any person or corporation, said lands so transferred to private



ownership shall be assessed in the same manner as other lands, now private property, lying within the limits of any of the above described tracts of land.

## SECTION V.

SECTION 5. Until, and unless otherwise provided by Act of the Legislature in that behalf, it is hereby declared that the Mayor, the Tax Collector, and the Auditor of the City and County of San Francisco, shall be and are hereby created a Board of Public Works within the meaning and intent of this Act, and as such Board are hereby authorized, empowered, and directed to perform all and singular the duties herein enjoined upon the Board of Public Works as herein provided. A salary of two thousand dollars per annum shall be allowed and paid to each of the said officers as members of the Board, out of the Potrero Avenue Fund, in the same manner as other claims on such Fund are herein provided to be paid; *provided*, that no person performing any service or duty under this Act shall be entitled to have or receive compensation for exceeding two years' service.

The said Board of Public Works may cause to be made and may adopt such surveys, maps, plans, diagrams, subdivisions, block books, or other data as aforesaid, as after examination and review shall meet its approval; it may also alter, modify, or reject the same or any part thereof, and make new surveys, plans, maps, block books, or other exhibits necessary or convenient for the prosecution of its duties under the provisions of this Act; and the said Board, for the better execution of its duties and functions as defined in this Act, may employ such surveyors, clerks, draughtsmen, or other persons as in its judgment and discretion shall be necessary, but at rates of compensation not exceeding those ordinarily paid for like services by private parties. And such expenses and the expenses of all such employees shall be paid out of the Potrero Avenue Funds.

## SECTION VI.

SECTION 6. The said Board of Public Works, having adopted surveys, plans, maps, block books, or other working exhibits as hereinbefore mentioned, shall proceed to ascertain and determine, and separately state and set down in a written report, to be signed by at least a majority of said Board, the description and actual cash value of the several lots and subdivisions of land included in the land taken for said Potrero Avenue, the amount of damages that will be occasioned to the property along the line and within the course of said Avenue. In making said report said Board shall severally specify and describe each lot, subdivision, or piece of property taken or injured, following, where possible, the descriptions shown on the maps, descriptions and deeds, and other instruments in the custody of said Board; and shall set against each lot, subdivision, or piece of property, the names of the owners, occupants, and claimants thereof, or of persons interested therein as lessees, incumbrancers, or otherwise, and the particulars of their interests respectively, so far as the same can be ascertained, and the amount of value or damage determined upon for the same respectively. If in any case said Board shall find that conflicting claims of title exist, or shall be in ignorance or doubt as to the ownership of any parcel of land, or of any interest therein, it shall be set down as belonging to unknown owners. Said Board shall also proceed to ascertain and determine, and separately state and set down in a written report, a description of the several subdivisions and lots of land included in the district defined in Section four of this Act, following, when possible, the descriptions and deeds and other instruments filed with said Board; and opposite to such description shall set against each lot or subdivision the sum or amount in which, according to the judgment and determination of said Board, the said lot or subdivision has been or will be benefited by reason of the

taking and opening of said Avenue relatively to the benefits therefrom accruing to the other lots or subdivisions respectively within said district. Said Board shall also set against each lot or subdivision as aforesaid the names of the owners, occupants, and claimants thereof, as far as the same can be ascertained conveniently by said Board. The said Board shall adopt a general map or plan of the said Potrero Avenue, and of the lands herein declared to be benefited thereby; and it shall also adopt a map or maps of each block or piece of land taken for said Avenue, and also the property injured thereby, and also each lot and subdivision of land liable to be assessed to pay the costs and expenses of opening said Avenue as the same are defined in this Act. Such report, as soon as the same is completed, shall be left at the office of said Board daily, during the ordinary business hours, for thirty days, for the free inspection of all parties interested; and notice that the same is so open for inspection for such time and such place shall be published by said Board daily, for twenty days, in two daily newspapers printed and published in said city and county.

## SECTION VII.

SECTION 7. Any person interested in any piece or parcel of land situated within the district defined and described in section four of this Act, or in any of the lands taken for said Avenue, or in any improvements damaged by the opening of said Avenue, feeling himself aggrieved by the action or determination of the said Board, as shown in said report, may at any time within the thirty days mentioned in section six of this Act, apply by petition to the County Court of the City and County of San Francisco, setting forth his interest in the proceedings had before said Board and his objections thereto, for an order on said Board requiring it to file with said Court the report of said Board, and such other documents or data as may be pertinent thereto, in the custody of said Board and used

by it in preparing said report. Said Court is hereby authorized and empowered to hear said petition, and shall set the same down for hearing within ten days from the date of the filing thereof; and the party filing said petition shall, on the day he files the same, serve a copy thereof on at least one of the members of the Board of Public Works, and said Board may appear, by counsel or otherwise, before said Court in response to said petition. Said Board may file a written answer to said petition with said Court. Testimony may be taken by said Court upon said hearing, and the process of the Court may be used to compel the attendance of witnesses and the production of books, or papers, or maps in the custody of said Board or otherwise. It shall be in the discretion of said Court, after hearing and considering said application, to allow said order or deny the same; and if granted, a copy thereof shall be served on said Board, and it shall proceed to obey the same according to the terms of the order to be prescribed by the Court. But in case no such petition shall be filed with said County Court, within the time above limited for the filing thereof, the said report shall be presented by the said Board to the said County Court, with a petition to the Court that the same be approved and confirmed by the Court. The Court shall have power to approve and confirm said report, or refer the same back to the said Board with directions to alter or modify the same in the particulars specified by the Court in the order referring the same back, and thereupon the said Board shall proceed to make the alterations and modifications specified in the order of said Court. The alterations and modifications aforesaid being made, the report shall be again submitted to the said Court, and if the Court upon examination shall find that the alterations and modifications have been made according to the directions contained in said order, the said Court shall approve and confirm the same by an order to be entered on its minutes; but if the said Board shall have neglected or failed to make the alterations and modifications set forth in the order of reference, the Court may

again refer the report back to said Board, and so on until its original order of alteration and modification shall have been complied with by said Board, and then said Court shall approve and confirm said report. Any party dissatisfied with said report, or any part thereof, who shall have filed a petition to the County Court as provided in this section, may, within thirty days after the entry of the order mentioned in this section, appeal to the Supreme Court to review the matter or matters complained of in the petition so filed; and such appeal shall be taken in the manner and with the same effect and in all respects in conformity to sections twelve, thirteen, and fourteen of "An Act to declare and regulate the power of the Board of Supervisors of the City and County of San Francisco to take private lands for public improvements, and to prescribe the manner of its execution," approved April fourth, eighteen hundred and sixty-four; and all subsequent proceedings shall be in conformity therewith, except that so far as said sections are used in carrying out this Act, the words "Board of Public Works" shall be substituted in the place of the words "Board of Supervisors," and "Board of Supervisors of said city and county," where the same occur in said sections.

## SECTION VIII.

SECTION 8. All damages, costs, and expenses arising from or incidental to the opening of said Avenue being fixed and determined by the final confirmation of the report, as in this Act provided, no appeal having been taken, as provided in the last preceding section, or the report having become otherwise final, said Board shall cause to be prepared and issued bonds, in sums of not less than one thousand dollars each, for such an amount as shall be necessary to pay and discharge all said damages, costs, and expenses as aforesaid. Said bonds shall be known and designated as the "Potrero Avenue Bonds;" shall be payable in thirty years from

their date, unless sooner redeemed, as in this Act provided, and shall bear interest at six per cent. per annum, payable semi-annually at the office of the Treasurer of said city and county. Coupons for the interest shall be attached to each bond, so that they may be removed without injury or mutilation to the bond. Such coupons, consecutively numbered, shall be signed by the President of said Board, and the bonds shall be signed by all the members thereof, and the seal thereof shall be affixed to each bond.

## SECTION IX.

SECTION 9. Any person or persons to whom damages shall be awarded according to the provisions of this Act, upon tendering to the said Board a satisfactory deed of conveyance to said city and county of the lands for which said damages were so awarded, shall be entitled to have, and there shall be issued and delivered to him, bonds in an amount equal to the sum of the damages as awarded for the lands conveyed as aforesaid, together with the damages for the improvements thereon, or affected thereby; and the bonds so issued and delivered shall be accepted, and shall be in full compensation of and for all damages for lands and improvements taken and improvements injured, as contemplated in this Act.

## SECTION X.

SECTION 10. In case any person or person entitled thereto shall, for the period of ten days after the final confirmation of said report, as herein provided, fail or neglect to accept bonds in compensation for damages allowed for lands taken, or improvements destroyed or injured, as provided in the last preceding section, the Mayor, Auditor, and Treasurer of said city and county shall advertise, for the period of sixty days, for sealed proposals for bonds, by

notice published daily, Sundays excepted, in two daily newspapers published in the city and county of San Francisco. Said notice shall embody a succinct description of the bonds, and specify the rate of interest, when and where the same will be paid, and describe the manner in which bids therefor must be made. All bids shall be accompanied by a bond on the part of the bidder, with one or more sureties satisfactory to said Mayor, Auditor, and Treasurer, conditioned that if an award is made by the Board, the terms of the bid will be complied with by the bidder. Proposals unaccompanied by a bond, as aforesaid, shall not be considered. Said Mayor, Auditor, and Treasurer may prescribe the form of the bid and of the bonds, and shall furnish the same to such persons as desire to make proposals for bonds. The said proposals shall be opened in the presence of the Mayor, Auditor, and Treasurer of said city and county at the expiration of sixty days from the first publication of the notice aforesaid, and the bonds shall be awarded to the highest bidder therefor whose proposals conform to the requirements hereof. Any person to whom damages have been awarded by said Board of Public Works, may bid for bonds to the extent of the sum awarded to him, or for any lesser sum, specifying in his proposal that he will accept bonds at the price stated in his bid in compensation for the damages so awarded in his favor; and such bids being equally as advantageous as the best cash bids, shall be accepted in preference to cash bids. If the party shall not bid for such an amount of bonds as shall equal the amount of damages awarded, the Board shall deliver to him a warrant upon the Potrero Avenue Fund, as hereinafter provided; and upon receiving the bonds and warrants as aforesaid, and the warrants being paid, the party shall file with the said Board an acquittance in full for all damages so awarded to him as aforesaid. Bidders of the class mentioned in this section shall be entitled to receive the bonds awarded to them as aforesaid, upon delivering to the said Board possession of the property in respect to which the award was made, and such conveyance thereof



as shall be approved by the said Board. The said Mayor, Auditor, and Treasurer are authorized and empowered to issue, sell, and dispose of bonds sufficient to realize money enough to meet and discharge all the expenses and damages arising from the opening of said Avenue, as in this Act provided, and as established by the report as finally confirmed. The money arising from the sale of said bonds shall be paid to the Treasurer of said city and county, who shall receive and safely keep the same as moneys belonging to said city and county are kept; and said fund shall be known and designated as the Potrero Avenue Fund. As soon as said bonds shall have been converted into money, as in this Act provided, the Board of Public Works shall give public notice, in two daily newspapers published in said city and county, for at least ten days, that they are prepared to pay in full all damages and liabilities fixed by the final report of said Board (and not already discharged); and upon receiving from the parties entitled thereto the proper deeds or proper acquittances from those entitled to compensation, other than for damages to lands or improvements, the said Board shall give to such party an order upon the Treasurer for the amount shown to be due according to said finally approved report, and the Treasurer shall pay said order out of the said Potrero Avenue Fund.

## SECTION XI.

SECTION 11. There shall be levied, assessed, and collected annually, by the Tax Collector, at the same time and in the same manner as other taxes are levied, assessed, and collected in said city and county, an assessment upon the lands described in section four of this Act sufficient to pay the interest upon said bonds as the same mature. The assessment therefor, however, shall be adjusted and distributed according to the enhanced values of the respective parcels of land as fixed in the said final report by the said Board. When collected,



the said moneys shall be paid over to the Treasurer of the said city and county, and constitute a part of the Potrero Avenue Fund, and be paid out by said Treasurer only in payment of the coupons attached to said bonds as the same from time to time become due. There shall be levied, assessed, and collected, annually commencing with the year eighteen hundred and eighty, at the same time and in the same manner, and upon the same lands and in accordance with the same rate of assessment upon enhanced values, as provided in this section, an assessment of one per cent. upon each one hundred dollars valuation, which shall constitute a Sinking Fund for the redemption of said bonds. Said money, when collected, shall be paid over to the Treasurer of said city and county, and shall constitute a part of the Potrero Avenue Fund, and shall only be paid out in redeeming the bonds issued in pursuance of the provisions of this Act. Whenever the said Treasurer shall have in his custody ten thousand dollars or more belonging to the said Potrero Avenue Fund as a Sinking Fund, it is hereby made his duty and he shall advertise daily for the surrender of said bonds for the space of ten days, Sundays excepted, in two daily newspapers published in the City and County of San Francisco, for sealed proposals, to be opened after the expiration of said ten days by said Treasurer, in the presence of the Mayor and the bidders, if they or any of them shall elect to be present, for the surrender of bonds issued under this Act, which advertisement shall state the amount of money in the custody of the said Treasurer for the purpose of redemption, and he shall accept the lowest proposals, at rates not exceeding par value, as may redeem the greatest amount of bonds, until the amount of cash on hand for the redemption is exhausted; *provided*, however, that if a sufficient amount of bonds shall not be offered as aforesaid to exhaust the Sinking Fund to a less amount than three thousand dollars, then it is hereby made the duty of the said Treasurer to advertise in two

daily newspapers, one of which shall be published in the City and County of San Francisco, and the other of which shall be published at the City of Sacramento, for the period of sixty days, Sundays excepted, which advertisement shall state the amount in the Sinking Fund and the number of bonds, numbering them in the order of their issuance, which such Fund is set apart to pay and discharge; and if said bonds so numbered in such advertisement shall not be presented for payment and cancellation within thirty days after the expiration of such publication of said advertisement, then said Fund shall remain in the Treasury to discharge such bonds whenever presented, but they shall draw no interest after the publication of said last mentioned notice shall have expired. All bonds and coupons redeemed as aforesaid shall be cancelled by the Treasurer in the presence of the Mayor and Auditor. The Treasurer shall keep a full and accurate account and record of all his proceedings under this Act, and of the bonds redeemed and surrendered, and all books and papers pertaining to matters provided for in this Act shall at all times during office hours be open to public inspection. Assessments levied to pay the interest on said bonds may be paid by the surrender to the Tax Collector of said city and county, at his office in said city and county, of such coupons as shall mature within the then current fiscal year, and the said Tax Collector shall turn the same over to the Treasurer, who shall receive the same as cash.

## SECTION XII.

SECTION 12. The said Board of Public Works shall cause block books to be prepared, exhibiting the district declared herein to be benefited by the opening of said Avenue, according to the blocks or fractional parts of blocks thereof, and the subdivisions according to which the benefits were fixed and determined. Also, in convenient book form, descriptions of the several subdivisions shown on said block books, and shall set opposite to each description of such

several subdivisions the amount of benefits or enhanced value to said subdivision as established by said confirmed report, by reason of the opening of said Avenue. Said block books and description note books shall be certified by the said Board, and then delivered by the said Board to the Assessor of the City and County of San Francisco, in whose office they shall be kept as a part of the records of his office, until all the bonds issued in pursuance of this Act shall have been redeemed. Assessments levied to pay the interest and principal of the bonds issued in pursuance of the provisions of this Act, shall be apportioned on the lands described in section four of this Act, in strict accordance with the enhanced values of the respective parcels thereof, as established by said confirmed report; *provided*, however, that if there shall be subdivisions made of particular parcels of land differing from those set forth in the certified copy filed in said Assessor's office, the said Assessor shall have the power, and it is hereby made his duty, to equitably reapportion the sum of the benefits upon and according to the new subdivisions of the said particular parcel aforesaid.

### SECTION XIII.

SECTION 13. In all cases where the owner or owners of any subdivision of land taken for the opening of said Avenue, or of any improvements destroyed or injured, is or are unknown, or is or are known to be laboring under any legal disability, and in cases where there are liens or incumbrances, or leases, or conflicting claims, or disputes, or doubts about the title of any lot or subdivision of land, which cannot be adjusted between the parties in interest, and in all cases where the owner or owners of any subdivision of land, taken for the opening of said Avenue, or any improvements, having bid for bonds in payment therefor, and received the award for the same, shall neglect to accept said bonds within twenty days thereafter; it shall be the duty of the Board of Public

Works to draw a warrant on the Treasurer of said city and county, payable out of said Potrero Avenue Fund, for the amount awarded in each case as the value of the respective lots of land taken for said Avenue, or for damages awarded on account of improvements destroyed or injured by reason of the opening thereof, as fixed in said report, and to deposit said warrant with the County Clerk of said city and county, and thereupon and on proof of the same the said Board shall be entitled to be put in possession of such lots of land as shall be taken for said Avenue, in the same manner as provided in section fourteen of this Act; and the title to said lots of land shall thenceforth be vested in said city and county as effectually as if the same had been conveyed by deed executed by the true owners thereof. Said Board shall also notify the said Treasurer of the drawing of said warrant, and furnish him with a description of the lot referred to by the said warrant; and the parties in interest in said lot may proceed against the Treasurer by bill in equity for an adjudication to settle the conflicting claims to the same, or to provide for its just and proper distribution, in which suit all parties in interest or dispute shall be made parties, if known. On entry of a final decree of Court in such action, the said County Clerk shall deliver the warrant to the party or parties entitled thereto, according to the order of the Court. The only requisition upon the Treasurer shall be to answer whether he has the money in the Potrero Avenue Fund to pay the warrant when presented.

#### SECTION XIV.

SECTION 14. In case any person to whom or in whose favor damages shall have been awarded by said Board, shall fail or neglect for the period of twenty days after there shall be funds to the credit of the Potrero Avenue Fund sufficient to pay such damages, to ask for and receive from said Board a warrant for the sum so awarded, the said Board may draw a warrant upon said Treasurer

in favor of said owner or owners, and deposit the same with the Clerk of said city and county, accompanied by a certificate of said Treasurer that the warrant so drawn and deposited has been registered by him, and that there are funds in his hands to pay the same ; and thereupon said Board, on demand, shall be entitled to an order of the County Court authorizing them to enter upon such piece of land and remove obstructions therefrom, and to throw open the lots so described as part of said street ; and thereupon an execution may issue to the Sheriff of said city and county in the nature of a writ of *habere facias possessionem*, commanding him to put the said Board in possession of such lot for the said city and county ; and thereafter, upon delivering to the said County Court a sufficient deed conveying said lot of land to the said city and county, the party so dispossessed shall be entitled to receive the value of the land so conveyed, or the said warrant of the Board therefor.

## SECTION XV.

SECTION 15. Should the owners of any land taken for said Avenue fail or neglect, within the space of thirty days after the money is in the Treasury to pay for the same, to remove the buildings and improvements from their said lands, and deliver possession of said lands to said Board on tender from said Board to them respectively of the sums awarded to them respectively by said Board, as the value of such lands, buildings, or improvements, then the said Board may, at any time thereafter, sell such buildings and improvements at public auction, to the highest bidder, to be removed by the respective purchasers thereof. The sums so bid at such sales shall be paid in cash, or in such warrants of said Board ; and if at such auction there shall be no responsible bidder for such improvements, with the obligations to remove them within the time specified in the terms of sale, the said Board shall cause the same to be removed at the cost of said Potrero Avenue.

## SECTION XVI.

SECTION 16. The said Potrero Avenue, when opened, shall be sewerred, graded, sidewalked, and planked or paved by the municipal authorities, in accordance with the rules, regulations, statutes, and ordinances applicable to the other public streets of the City and County of San Francisco.

## SECTION XVII.

SECTION 17. The word "persons," when used in this Act, shall be held and construed to include "corporations." All Acts and parts of Acts, so far as they conflict with this Act, are hereby repealed.

## SECTION XVIII.

SECTION 18. All bonds and warrants shall be payable in United States gold coin, and all assessments collected in pursuance thereof shall be in like gold coin.

## SECTION XIX.

SECTION 19. The Clerk of the said City and County shall be entitled to charge and receive such fees as are allowed by law in civil actions, for any services rendered by him in pursuance of any provision of this Act, except that for services rendered at the request and on the behalf of the Board of Public Works, he shall not be allowed to make any charge therefor.

## SECTION XX.

SECTION 20. All money remaining in the hands of the Treasurer, after all bonds shall have been redeemed, shall be paid into the General Fund of the City and County of San Francisco.

## SECTION XXI.

SECTION 21. It is hereby expressly provided that the City and County of San Francisco shall not in any event whatever be liable for the payment of the bonds, or any part thereof, provided to be issued under this Act ; and any person purchasing said bonds, or otherwise becoming the owner of any bond or bonds, accepts the same upon that express stipulation and understanding.

## SECTION XXII.

SECTION 22. The Board of Public Works shall provide itself with an official seal, which shall be used to verify such acts of the Board as are herein directed to be done under the seal of the Board.

## SECTION XXIII.

SECTION 23. This Act shall take effect immediately.

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